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BY ECF AND E-MAIL

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November 15, 2022

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Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: **The Capital Markets Co., LLC v. Halpern, Case No. 1:22-cv-07637 (KPF) – Adjournment of Current Dates**

Dear Judge Failla:

This Firm represents Plaintiff The Capital Markets Co., LLC (“Capco”) in the above-referenced matter. I write on behalf of both parties pursuant to Your Honor’s Individual Rules of Practice Rules 2(C) and (D) to respectfully request an adjournment of all dates currently set on Plaintiff’s motion for a preliminary injunction pursuant to the Court’s Memo Endorsement on October 25, 2022 (ECF No. 49), including the Court’s request that the parties inform the Court of their availability for a preliminary injunction hearing on January 26, 2023.

The parties are currently on the cusp of a settlement-in-principle, which we expect will obviate the need for a hearing. Pursuant to the Order, Plaintiff’s preliminary injunction papers are currently due on January 11, 2023, Defendant’s opposition papers are due on January 16, 2023, and a preliminary injunction hearing would be scheduled for a date thereafter, subject to the parties’ and Court’s availability. Defendants’ Answer to the Complaint is currently due on December 7, 2022.

In light of the parties’ ongoing efforts to reach a mutual resolution of this matter absent a hearing, the parties together ask that all current dates be adjourned for fifteen (15) days as follows:

- **January 26, 2023** – Plaintiff’s preliminary injunction papers are due.
- **January 31, 2023** – Defendant’s opposition papers to preliminary injunction due.
- **December 22, 2023** – Defendant’s Answer to the Complaint due.

Hon. Katherine Polk Failla
November 15, 2022
Page 2

Weil, Gotshal & Manges LLP

This is the parties' second request to adjourn the preliminary injunction dates, and there have been two prior requests for an extension of time in connection with Defendant's time to respond to the Complaint.

Respectfully submitted,



John P. Barry

cc: Counsel of Record (via ECF)

Application GRANTED. Defendant's deadline to answer or otherwise respond to the Complaint is hereby adjourned to **December 22, 2022**, Plaintiff's deadline to file preliminary injunction papers is hereby adjourned to **January 26, 2023**, and Defendant's deadline to file any opposition papers is hereby adjourned to **January 31, 2023**.

The Court is disinclined to grant any further requests for extensions of time.

Dated: November 15, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE